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GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN

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GFCM REPORT 22

GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN

REPORT OF THE TWENTY-SECOND SESSION

Rome, Italy, 13-16 October 1997

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 1997

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PREPARATION OF THIS DOCUMENT

This document is the final version of the report adopted in Rome by the Twenty-second Session of the General Fisheries Council for the Mediterranean (GFCM) on 16 October 1997.

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ABSTRACT

The Twenty-second Session of the GFCM was attended by delegates from twenty-one out of twenty-two members of the Council. The main issue discussed during the meeting was the strengthening of the GFCM through the amendments of its Agreement and Rules of Procedure. The principle of an autonomous budget was agreed, however the discussions about modalities and amounts of Member States' contributions to such a budget were postponed to the next session scheduled for June 1998. By the adoption of the new Agreement the name of the Council was changed into Commission; the Committee on Fisheries Management replaced by a Scientific Advisory Committee (SAC); the Executive Committee is abolished; and periodicity of the main session of the Commission will be every year instead of every two years. The Twenty-second Session has adopted three resolutions concerning: a) the use of large-scale driftnets (97/1); fishing operations by vessels flying the flag of non GFCM Member States (97/2); and c) the management of bluefin tuna fisheries in the Mediterranean (97/3).

Distribution:

Participants in the Session
GFCM Mailing List
European Community
FAO Regional and Sub-Regional Fisheries Officers

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OPENING OF THE SESSION

1. The General Fisheries Council for the Mediterranean (GFCM) held its Twenty-second Session at FAO Headquarters, Rome, Italy, from 13 to 16 October 1997.

2. The Session was attended by delegates from 21 members of the Council and by observers from the European Community (EC) and the Russian Federation. In addition, observers from the United Nations Environment Programme (UNEP), the International Commission for the Conservation of Atlantic Tunas (ICCAT), Greenpeace International and the World Wide Fund for Nature (WWF) also attended the Session. The list of participants is given in Appendix B to this report.

3. The meeting was chaired by Mr F. Montanaro Mifsud (Malta).

4. At the invitation of the Chairman, Mr M. Hayashi, Assistant Director-General, Fisheries Department, addressed the Council.

5. On behalf of the Director-General of FAO, Dr Jacques Diouf, Mr Hayashi welcomed participants. He stressed the importance of this Session which was being held at a very critical time, as it was the first session of the Council after the adoption of the Code of Conduct for Responsible Fisheries by the FAO Conference and the Session was expected to make very important decisions that would foster the objectives of GFCM. He added that if no decision was made at the present Session on such items as the autonomous budget and the admission of EC to membership of the Council, the next possibility for this would be in two years time. He requested the delegates to make concrete proposals on the programme of work and budget and on the scale of contributions which had been proposed by the Secretariat.

6. Mr Hayashi, referring to the resolutions adopted at the Twenty-first Session of GFCM, called upon member countries to consider seriously how these resolutions should be implemented at the national level. He also referred to the implementation of the Code of Conduct for Responsible Fisheries and invited Member States to provide information on national implementation, as agreed at the Tenth Session of the GFCM Committee on Fisheries Management (June 1997).

7. Mr Hayashi closed his statement by paying tribute to Mr Conde de Saro of Spain, Chairman of GFCM between 1993 and 1997, who had been instrumental in improving the efficiency of GFCM. He also welcomed Japan as a new member of the Council and expressed FAO's pleasure in seeing the family of GFCM grow with the possible admission of another important newcomer, EC.

ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

8. The Agenda as adopted is shown in Appendix A to this Report. It was agreed that the issue of the use of large-scale driftnets in the Mediterranean should be taken up under the revised agenda item 7 "Implementation of the Code of Conduct for Responsible Fisheries". The documents which were before the Council are listed in Appendix C. It was also agreed that issues related to the implementation of Resolution 95/1 concerning bluefin tuna should be discussed under the appropriate item of the Agenda.

INTERSESSIONAL ACTIVITIES

9. The Council was informed that the following meetings took place during the intersessional period:

(a) The third meeting of the GFCM/ICCAT Working Group on Large Pelagic Species (Genoa, Italy, September 1996)

It was noted that the Working Party recommended to extend the closure of the bluefin tuna fishery to longliners over 24 m OAL during June and to other fisheries during July.

(b) The Eighth Technical Consultation on Stock Assessment in the Western Mediterranean (Casablanca, Morocco, October 1996)

It was noted that the Consultation, *inter alia*, recommended the holding of an expert consultation to identify unit stocks in the Western Mediterranean.

(c) The Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean (Nicosia, Cyprus, December 1996)

The Consultation reviewed in particular the situation of the juvenile swordfish and the impact of sport/recreational fishing on these resources and recommended the creation of an *ad hoc* working group to deal with this issue.

(d) The First Session of the Committee on Aquaculture (Rome, Italy, September 1996)

The Committee reviewed the activities of its four networks, namely SIPAM, TECAM, SELAM and EAM. It recommended that the networks be consolidated and strengthened.

(e) The Working Party on Legal and Technical Aspects of Fisheries Management in the Mediterranean (Montpellier, France, April 1997)

The Working Party was organized by EC and discussed management issues and the strengthening of GFCM.

(f) The Tenth Session of the Committee on Fisheries Management (Rome, Italy, June 1997)

It was noted that the Committee had emphasized, among others, the need to improve data reporting and had invited member countries to incorporate GFCM resolutions into national legislations. The Committee endorsed a step-by-step approach to establish effort control mechanisms. It further endorsed the work plan of the COPEMED regional project. While reviewing proposals for amending the GFCM Agreement, the Committee strongly supported the establishment of a task-oriented scientific committee.

10. The Secretariat emphasized the need for close monitoring of the four resolutions adopted by GFCM in 1995 and informed the Council that the Committee on Fisheries Management, at its Tenth Session, had reviewed the status of implementation of Resolution 95/1. The Committee also stressed the key role of ICCAT in the assessment of the large pelagic stocks and the need

for GFCM to assist further in data collection, suggesting in this connection the training of scientists from countries in the southern part of the Mediterranean.

11. The Council was further informed that:

- As a follow-up to Resolutions 95/2 and 95/4, twelve countries had provided the information on their vessels above 15 m OAL operating in the high seas, although only a few of them in the appropriate format; and that six countries had provided a list of fishing boats operating from Mediterranean ports. It was also noted that a number of States had made progress in keeping fishing fleet capacity under control.

- Resolution 95/3 aimed at reducing run-off nutrients and at protecting sensitive habitats was transmitted to the Conference of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), which confirmed that it would take it into consideration for the programming of its future activities. The Council was also informed that the Transboundary Diagnostic Analysis prepared by the GFCM Secretariat for the UNEP Mediterranean Action Plan (MAP) would be reviewed by the MAP Contracting Parties in late October 1997.

12. In the ensuing discussions, some delegations reported on progress made to implement the resolutions of the Council. The Japanese delegation recalled that the Japanese fleet operating in the Mediterranean comprised only longliners and that all GFCM and relevant ICCAT binding measures were incorporated in individual vessel permits issued by relevant Japanese Ministry.

13. The French delegation informed the Council that a quota of 5 840 mt had been adopted for 1997 for French vessels exploiting bluefin tuna in the Mediterranean and that the ban to fish those species in August had been implemented. He also stated that in 1997 a system was introduced by which the licence is limited to the life of the tuna boat.

14. The Spanish delegation stated that since the last session Spain had applied various measures to implement the GFCM resolutions, as well as those of ICCAT regarding the 25 percent reduction in bluefin tuna catch in the Mediterranean in 1998, the ban on longliners of over 24 metres in the months of June-July, the ban on purse seiners in the month of August, the prohibited use of helicopters and other aerial fisheries support in the month of June and stricter compliance with minimum size requirements. Measures to achieve these objectives included the introduction of a quota system, fishing permits for each vessel, specifying fishing area, gear and authorized species, with compulsory weekly reports on catch levels and verification of landings. Inspection and control activities had also been stepped up. The Spanish delegation called upon GFCM to define a strategy to cope with the problem represented by the about 100 vessels which, under flags of convenience or without any flags, were fishing large pelagics in the Mediterranean.

15. In relation to Resolution 95/1, the observer from EC indicated that a rule adopted in June 1996 introduced in Community legislation the measures adopted by the GFCM concerning the yearly closure of the fisheries for longliners above 24 m OAL. Other measures stipulated by Resolution 95/1 were already part of Community legislation. EC invited the Council to endorse

the ICCAT regulations aimed at banning the use of helicopters for catching bluefin tuna during the month of June and to extend the closed season to the month of August. In connection with the work of the Technical Consultation on the Western Mediterranean, it pointed out that the FAO sub-statistical areas might not be the most appropriate division to define management units which would better be based on stocks units. EC also stressed the need to define management objectives based on biological, economic and social reference points as well as to gather information on discards. EC suggested that these issues should be of prime concern to the proposed scientific committee, if established by the Council. The necessity to consider recreational fisheries through a working group was also mentioned. It was suggested that issues related to recreational fisheries should be treated by the scientific committee.

16. The Moroccan delegation reported on the measures which Morocco had adopted to prevent additional fishing effort, including a temporary freeze on additional investments in fleets. It also indicated that the use of large driftnets, including minimum mesh size and the banning of mono-filaments, was subject to regulations which further limited it to vessels over 15 GRT.

17. In relation to the reduction by 25 percent of bluefin tuna catches by 1998, the Council did not accept the suggestion by the Israeli delegation to amend Resolution 95/1 so that member countries which were presently catching less than 50 t be allowed to increase their catches in the next biennium up to a limit of 50 t.

18. The Council adopted, under Article V of the GFCM Agreement, a resolution proposed by the Japanese delegation reflecting the ICCAT recommendation on the banning of purse seine fishing for bluefin tuna during the month of August and the use of helicopters and planes during the month of June. The text of this resolution is reproduced in Appendix G - Resolution 97/3). The Council agreed that, if new scientific evidence showed that this measure would be more effective for the conservation of bluefin tuna if applied in a different time period, GFCM would revise this resolution accordingly as soon as possible.

19. WWF, quoting information from the 1996 ICCAT report, stressed the fact that the current level of catch of bluefin tuna in the Mediterranean was unsustainable and that stronger conservation measures were required.

20. Regarding reports by countries on the measures taken to implement the various resolutions adopted at the Twenty-first Session of the Council, the Secretary pointed out that several countries were still not reporting and only five of the reports received could be considered suitable for inclusion in the data base. A plea was made to GFCM members to enforce better reporting on the measures taken by them and to have periodic reports on advancement on the implementation of measures.

21. In connection with the recommendations made at the Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean for the protection of juvenile swordfish, the Council agreed that the measures proposed should be applicable to the Mediterranean as a whole. It therefore suggested that a request be made to ICCAT to prepare, in cooperation with GFCM, a set of proposals for the management of the swordfish fisheries.

PROPOSALS FOR STRENGTHENING GFCM

(i) Amendments to the Agreement of GFCM

22. This agenda item was discussed at length by the Council. The amendments contained in document GFCM/XXII/97/4 were formally presented by the Italian delegation in conformity with Rule XVI of the Rules of Procedure. The Council noted that it had the necessary quorum to consider and adopt the amendments in accordance with Article X of the Agreement. The amendments were presented in two separate sets, the first dealing mainly with the possibility of regional economic integration organizations that are Members of FAO becoming members of GFCM, and the second dealing mainly with the establishment of an autonomous budget.

23. The Council noted the opinion of the Committee on Constitutional and Legal Matters (CCLM), expressed at its Sixty-seventh Session on 7 and 8 October 1997, that the first set of amendments would not involve "new obligations" for the Contracting Parties, while the second set would involve such "new obligations" and expressed its agreement with this opinion. The Council also adopted the interpretation recommended by CCLM to the effect that amendments involving new obligations would come into force only on their acceptance by two-thirds of the Contracting Parties, to avoid the absurd situation of the first Contracting Party depositing an instrument of acceptance to the amendments being responsible for bearing the entire burden of the new autonomous budget.

24. The Council agreed upon a number of modifications to the proposed amendments. Subject to these modifications, the Council adopted by consensus the first set of amendments as set out in Appendix D, Annex A. It also adopted, subject to the modifications agreed upon in the meeting, by consensus with a reservation by the Israeli delegation, the second set of amendments as set out in Appendix D, Annex B.

25. The Council noted the opinion of the Legal Counsel to the effect that the words "connecting waters" used in the English version of the Preamble to the Agreement referred to the connecting waters between the Mediterranean Sea and the Black Sea and was not inconsistent with the terminology used in the French text.

(ii) Rules of Procedure of GFCM

26. The Council in accordance with Article II.7 of the Agreement adopted by consensus the Rules of Procedure of the Council as attached in Appendix E. The Spanish delegation expressed reservation with regard to Rule X.2(b) indicating its disagreement with the composition of the Scientific Advisory Committee to which each member of GFCM may designate only one member. The Council reaffirmed that it would review certain portions of the Rules of Procedure that involve new obligations on the members. In particular, Rules V and XI should be reviewed once the autonomous budget becomes operational.

PROGRAMME OF WORK AND BUDGET (1998-99)

27. This agenda item was discussed on the basis of document GFCM/XXII/97/5. The Secretariat informed the Council that the Programme of Work and Budget was prepared without prejudice to the decision which the Council might take concerning the future structure and the

issue of an autonomous budget for GFCM. It was pointed out that although the principle of an autonomous budget had been accepted, the scenarios under which the document was prepared were still valid, that is, the *status quo* and an autonomous budget. It was further noted that although the principle of an autonomous budget had been agreed upon, it was necessary to have a transitional period during which the autonomous budget scenario might not be operational.

28. The Chairman suggested that before entering into the detailed discussion concerning the Programme of Work and Budget, the Council should review the most salient issues related to the future structure of GFCM. In the ensuing discussion, the Council agreed to meet annually and to abolish the Executive Committee and the Committee on Fisheries Management. It agreed to maintain the Committee on Aquaculture and to establish a Scientific Advisory Committee (SAC), both directly under GFCM. One delegation was opposed to the establishment of SAC. The terms of reference of SAC are given under Rule X.2 in Appendix E. The Council further agreed that SAC should meet and submit its report one month before the annual meeting of the Council. The Council also decided that SAC should propose the establishment of necessary subsidiary structures and working procedure to enable the Committee to fulfil its terms of reference for consideration by the Council. The Council also urged SAC to take into account in its work statistics, social and economic issues related to fisheries.

29. The Turkish delegation informed the Council that a diplomatic conference to finalize the creation of the new Black Sea Fishery Commission would be held before the end of 1997. Members from the Black Sea area stated that, until the proposed Black Sea Fishery Commission became operational, GFCM should continue to support fishery initiatives in that area.

30. There was general agreement that the following meetings be convened in 1998:

- the Twenty-third Session of the Council to be financed by FAO;
- the First Session of the Scientific Advisory Committee (EC indicated its willingness to consider the possible financing of the session);
- the Second Session of the Committee on Aquaculture to be organized using extra-budgetary funds, if available;
- the Working Party on Fisheries Economics and Statistics, already funded by the Government of Spain.

31. The Council requested the Secretariat to communicate to members of GFCM, before the end of 1997, an updated document on FAO contribution to the GFCM budget for 1998 based on actual availability of funds and taking into account, when possible, the previous financial commitment of the Organization towards GFCM. Member countries were invited to transmit to the Secretariat their written comments on the proposed 1998 budget.

32. The Council agreed that the Second Session of the Working Party on Fisheries Economics and Statistics and the Twenty-third Session of GFCM should be held before July 1998. It was also agreed that the Agenda of the Twenty-third Session should include: the structure and functions of the SAC, options for determining the scale of contributions of members to the autonomous budget, the report of the Second Session of the Working Party on Fishery Economics and Statistics and the programme of work and budget for 1998-99.

33. The Council appreciated the offer of the Government of Spain to fund the Working Party on Fisheries Economics and Statistics and the interest of EC in funding the First Session of SAC. It requested that extra-budgetary funds be sought to fund the Second Session of the Committee on Aquaculture. The Council urged FAO to continue to provide support to GFCM through its Regular Programme.

IMPLEMENTATION OF THE CODE OF CONDUCT FOR RESPONSIBLE FISHERIES

34. The Secretariat introduced document GFCM/XXII/97/7 highlighting measures taken by FAO and GFCM members to promote the implementation of the Code of Conduct for Responsible Fisheries. With respect to reporting on the Code, the Council agreed that its members should report steps taken, and results achieved, in implementing the Code at each Session of the Council.

35. The Spanish delegation advised the Council that its Government had convened the Ministerial level conference on responsible trade in fish and fish products in September 1997 in La Toja, Galicia, to give new dynamism to Article 11 of the Code. In addition to activities undertaken, and being taken by Council members to implement the Code and which were outlined in the above document, the delegate of Japan advised the Council that his Government was collaborating closely with other countries in fulfilling the objectives and principles of the Code. To this end, an FAO trust fund project had been established and was supporting the implementation of the Code through a number of activities including follow-up to the Kyoto Conference, consultations on the management and conservation of sharks, on the incidental catch of seabirds in longline fisheries, and on fleet over-capacity as well as studies on multi-species fisheries management, the interaction of the environment and small pelagics, and the social and cultural importance of fisheries.

36. The Secretariat explained the purpose of a questionnaire that had been distributed concerning steps taken by States to implement the Code. Feedback was requested from Council members so that adjustments might be made to the questionnaire prior to its distribution to all FAO Members in 1998. The information provided through the questionnaire would be collated by the Secretariat and a report compiled for the Twenty-third Session of the Committee on Fisheries (COFI) in February 1999.

37. The Maltese delegation introduced a draft resolution concerning the use of large-scale pelagic driftnets in the area covered by the Council. The text of the resolution, which was unanimously adopted by the Council under Article V of the Agreement, is reproduced as Resolution 97/1 in Appendix G. The Moroccan delegation informed the Council that such a resolution might affect the artisanal fisheries in his country.

38. In response to a question from the Spanish delegation, the Secretariat explained that, in the inter-sessional period, it had not been in a position to compile a report on the status of large-scale pelagic driftnet fishing in the Mediterranean because only five members of the Council had responded to a request from the Secretariat for such information. Nonetheless, the Council recognized that members had taken, or were in the process of taking, steps to prohibit large-scale pelagic driftnet fishing in their waters in conformity with United Nations General Assembly Resolution 44/225 and EC Council Regulation 345/92. For reporting to the General Assembly on the implementation of Resolution 44/225, the Spanish delegation requested that

only the information provided by Council members be incorporated in the annual FAO report. The delegation further explained that the information provided by Greenpeace International and included in the 1996 FAO report to the UN Secretariat concerning the use of large-scale pelagic driftnets was for 1994 and had been gathered by word of mouth and had not been substantiated. Spain contested the information given as there had been a ban on such gear since 1991 for all vessels with Spanish flag, irrespective of their zone of operation.

39. The Spanish delegation introduced a draft resolution concerning the fishing activities of non-contracting parties in the Council area, referring specifically to paragraphs 7.1.4, 7.1.5 and 7.7.5 of Article 7 of the Code of Conduct. After modification, the resolution, shown in Appendix G as Resolution 97/2, was adopted by the Council. In so doing, the Council agreed that multilateral measures, consistent with international law, to deter the activities of vessels flying the flags of non-members of the Council and which undermined the effectiveness of GFCM recommendations, as well as the activities of flagless vessels, might need to be considered by the Council in future. The observer from WWF noted that efforts to ensure compliance by both Contracting Parties to GFCM and non-contracting parties was an issue in the GFCM area. The Japanese delegation shared the view of WWF on this issue.

ANY OTHER MATTERS

40. The Spanish delegation informed the Council that its Government had decided to establish a fishery protection zone in the Mediterranean, which entered into force on 27 August 1997. The legal basis for this decision was Article 55 and the subsequent Articles of the 1982 United Nations Convention on the Law of the Sea. A copy of the decree was transmitted to the GFCM Secretariat. It was explained that the Spanish competence in this new zone covered the conservation and the management of the fishery resources without prejudice to the competence of EC in the matter.

41. The Algerian delegation, on behalf of itself as well as Egypt, Libya, Morocco, Syria and Tunisia, presented a declaration regarding, *inter alia*, the question of establishing exclusive economic zones in the Mediterranean. The text of this declaration is attached in Appendix F.

42. Referring to this Arab States declaration and the Spanish decision to establish a fishery protection zone, the Japanese delegation drew the attention of the Council members to the implications which extended fishery and exclusive economic zones in the Mediterranean would have for the future role of GFCM, functions which, it was agreed, needed to be strengthened.

43. The Israeli delegation referred to the Barcelona Convention and to the amendments concerning the conservation of biological diversity. The delegate stated that these amendments, particularly those which concerned species under pressure, were expected to be translated into action by the contracting parties. He expressed the wish to see GFCM addressing the issue and formulating a policy on the subject. In this context, he proposed that a special working party be established to deal with this matter. The Council requested the Secretariat to seek funding for this purpose. The observer from the UNEP/Mediterranean Action Plan (MAP) informed the GFCM that the meeting of the Council of the Conference of Plenipotentiaries for the annexes to the Special Protected Areas (SPA) protocol took place in Monaco on 24 November 1996, and stated that MAP would be willing to cooperate with GFCM in finding ways to implement the

annexes which concerned species for which GFCM was also interested. The Secretariat was asked to follow-up this issue.

44. The observer from EC introduced the idea of the possible constitution within GFCM of a consultative committee with representatives from the fishing sector open to all GFCM members. Such a committee would aim to provide useful inputs to the work of the Council. The EC observer invited GFCM contracting parties to reflect on this idea with a view to possible further action.

ELECTION OF OFFICERS

45. Mr F. Montanaro Mifsud (Malta) was elected Chairman of GFCM and Messrs R.Y. Bellot (France) and M.A. Zoubi (Morocco) were elected first and second Vice-Chairmen, respectively, for the next two consecutive regular sessions.

DATE AND PLACE OF THE NEXT SESSION

46. Offers to host the Twenty-third Session of GFCM were made by Israel and Cyprus. Some delegations expressed reservation about holding the session in Israel and one delegation made reservation with respect to Cyprus. Some other delegations suggested that the next session be held in Rome.

47. The Council requested the Chairman to take the views of the members on these three options and to consult with the Director-General of FAO on this issue. The Secretariat will communicate to the members the exact date and venue of the Twenty-third Session when fixed by the Chairman in accordance with Rule II of the Rules of Procedure.

ADOPTION OF THE REPORT

48. The Algerian delegation expressed reservation, as it was not present at the beginning of the Session, on the principle of an autonomous budget as well as on the content of paragraphs 22 to 26 of this report related to the amendments of the Agreement of GFCM and its Rules of Procedure.

49. The report was adopted on 16 October 1997.

APPENDIX A

Agenda

1. Opening of the Session

2. Adoption of the Agenda and arrangements for the session

3. Intersessional activities: review of the conclusions and recommendations of the Committee on Fisheries Management, the Committee on Aquaculture and reports of other meetings related to GFCM activities

4. Proposals for strengthening GFCM: amendments to the Agreement and Rules of Procedure of GFCM

5. Programme of work and budget (1998-99)

6. A medium- and long-term work programme for GFCM: implications for institutional structure and resources needs

7. Proposed autonomous budget and scale of contributions

8. Implementation of the Code of Conduct for Responsible Fisheries

9. Any other matters

10. Election of officers

11. Date and place of the next session

12. Adoption of the report

APPENDIX B

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APPENDIX C

List of documents

GFCM/XXII/97/1	Provisional Agenda and Timetable
GFCM/XXII/97/2	Intersessional activities
GFCM/XXII/97/3	A medium-term and long-term work programme for GFCM; implications for institutional structure and resource needs
GFCM/XXII/97/4	Amendments to the Agreement and Rules of Procedure of GFCM
GFCM/XXII/97/5	Programme of work and budget (1998-99)
GFCM/XXII/97/6	Proposed autonomous budget and scale of contributions
GFCM/XXII/97/7	Implementation of the Code of Conduct for Responsible Fisheries
GFCM/XXII/97/Inf.1	Provisional List of documents
GFCM/XXII/97/Inf.2	List of participants
GFCM/XXII/97/Inf.3	Report of the Twenty-first Session of the General Fisheries Council for the Mediterranean (Alicante, Spain, May 1995)
GFCM/XXII/97/Inf.4	Report of the First Session of the GFCM Committee on Aquaculture (Rome, Italy, September 1996)
GFCM/XXII/97/Inf.5	Report of the Tenth Session of the GFCM Committee on Fisheries Management (Rome, Italy, June 1997)
GFCM/XXII/97/Inf.6	Report of the Eighth Session of the GFCM Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean (Casablanca, Morocco, October 1996)
GFCM/XXII/97/Inf.7	Report of the First Session of the GFCM Technical Consultation on Stock Assessment in the Central and Eastern Mediterranean (Nicosia, Cyprus, December 1996)
GFCM/XXII/97/Inf.8	Results of the EC Working Party on Legal and Technical Aspects of Fisheries Management in the Mediterranean (Montpellier, France, April 1997)

APPENDIX D

AGREEMENT OF THE GENERAL FISHERIES ~~COUNCIL~~ COMMISSION FOR THE MEDITERRANEAN

Annex A [1/]

Preamble

The Contracting ~~Governments~~ Parties

Taking account of the relevant provisions of the United Nations Convention on the Law of the Sea which entered into force on 16 November, 1994 (hereafter referred to as the United Nations Convention) and which requires all members of the international community to cooperate in the conservation and management of the living marine resources

Noting also the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development, 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995,

Noting also that other international instruments have been negotiated concerning the conservation and management of certain fish stocks,

~~H~~having a mutual interest in the development and proper utilization of the living marine resources in the Mediterranean and the Black Sea and connecting waters (hereafter referred to as the Region) and desiring to further the attainment of their objectives through international cooperation which would be furthered by the establishment of a General Fisheries ~~Council~~ Commission for the Mediterranean,

Recognizing the importance of fisheries conservation and management in the region and of promoting cooperation to that effect,

~~a~~Agree as follows:

ARTICLE I

The ~~Council~~ Commission

1. The Contracting ~~Governments~~ Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a ~~Council~~ Commission to be known as the General Fisheries ~~Council~~ Commission for the Mediterranean (hereinafter referred to as "the ~~Council~~ Commission"), for

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[1/] In all of the Annexes, words shown as ~~struck-out~~ are to be deleted and words shown in shading are to be added.

the purpose of exercising the functions and discharging the responsibilities set forth in Article III below.

2. The Members of the ~~Council~~ Commission shall be such ~~Member Nations~~Members and Associate Members of the Organization and such non-member States as are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, that are:

(i) coastal States or Associate Members situated wholly or partly within the Region;

(ii) States or Associate Members whose vessels engage in fishing in the Region for stocks covered by this Agreement; or

iii) regional economic integration organizations of which any State referred to in subparagraphs (i), or (ii) above is a member and to which that State has transferred competence over matters within the purview of this Agreement;

and which accept this Agreement in accordance with the provisions of Article XI below, it being understood that these provisions shall not affect the membership status in the ~~Council~~ Commission of such States that are not members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as may have become parties to this Agreement prior to 22 May 1963. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV.5 of the Constitution and Rule XXI.3 of the General Rules of the Organization, be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

ARTICLE II

Organization

1. Each Member shall be represented at sessions of the ~~Council~~ Commission by one delegate, who may be accompanied by an alternate and by experts and advisers. Participation in meetings of the ~~Council~~ Commission by alternates, experts, and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of a delegate during his absence.

2. Subject to paragraph 3, e~~E~~ach Member shall have one vote. Decisions of the ~~Council~~ Commission shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the ~~Council~~ Commission shall constitute a quorum.

3. A Regional Economic Integration Organization that is a Member of the Commission shall be entitled to exercise in any meeting of the Commission or of any subsidiary body of the Commission a number of votes equal to the number of its Member States that are entitled to vote in such meeting.

4. A Regional Economic Integration Organization that is Member of the Commission shall exercise its membership rights on an alternative basis with its member States that are Members of the Commission in the areas of their respective competence. Whenever a Regional Economic Integration Organization that is a Member of the Commission exercises its right to vote, its member States shall not exercise theirs, and conversely.

5. Any Member of the Commission may request a Regional Economic Integration Organization that is a Member of the Commission or its member States that are Members of the Commission to provide information as to which, as between the Member Organization and its member States, has competence in respect of any specific question. The Regional Economic Integration Organization or the member States concerned shall provide this information on such request.

6. Before any meeting of the Commission or a subsidiary body of the Commission a Regional Economic Integration Organization that is a Member of the Commission or its member States that are Members of the Commission shall indicate which, as between the Regional Economic Integration Organization and its Member States, has competence in respect to any specific question to be considered in the meeting and which, as between the Regional Economic Integration Organization and its member States, shall exercise the right to vote in respect of each particular agenda item. Nothing in this paragraph shall prevent a Regional Economic Integration Organization that is a Member of the Commission or its member States that are Members of the Commission from making a single declaration for the purposes of this paragraph, which declaration shall remain in force for questions and agenda items to be considered at all subsequent meetings subject to such exceptions or modifications as may be indicated before any individual meeting.

7. In cases where an agenda item covers both matters in respect of which competence has been transferred to the Regional Economic Integration Organization and matters which lie within the competence of its member States, both the Regional Economic Integration Organization and its member States may participate in the discussions. In such cases the meeting, in arriving at its decisions, shall take into account only the intervention of the Member which has the right to vote.

8. For the purpose of determining a quorum of any meeting of the Commission, the delegation of a Regional Economic Integration Organization that is a Member of the Commission shall be counted to the extent that it is entitled to vote in the meeting in respect of which the quorum is sought.

~~39~~. The ~~Council~~ Commission shall elect a Chairman and two Vice-Chairmen.

~~410~~. The Chairman of the ~~Council~~ Commission shall normally convene a regular session of the ~~Council~~ Commission ~~at least once~~ every ~~two~~ years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the ~~Council~~ Commission in consultation with the Director-General of the Organization.

~~511~~. The seat of the ~~Council~~ Commission shall be at the headquarters of the Organization in Rome, or such other location as may be determined by the Commission.

~~6~~12. The Organization shall provide the Secretariat for the ~~Council~~ Commission and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.

~~7~~13. The ~~Council~~ Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure ~~which shall be consistent with the General Rules of the Organization. The Rules of the Council and any amendments thereto shall come into force as from the date of approval by the Director General of the Organization~~ provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

14. The Council/Commission may, by a two-thirds majority of its membership, adopt and amend its own Financial Regulations, provided that such Regulations shall be consistent with the principles embodied in the Financial Regulations of the Organization. Such Regulations shall be reported to the Finance Committee of the Organization which shall have the power to disallow such Financial Regulations or amendment if it finds that they are inconsistent with the principles embodied in the Financial Regulations of the Organization.

ARTICLE III

Functions

1. The purpose of the ~~Council~~ Commission shall be to promote the development, conservation, rational management and best utilization of living marine resources, as well as the sustainable development of aquaculture in the Region, and to these ends it shall have the following functions and responsibilities:

a) to keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries based thereon;

b) to formulate and recommend, in accordance with the provisions of Article V, appropriate measures:

   (i) for the conservation and rational management of living marine resources, including measures:

   - regulating fishing methods and fishing gear,
   - prescribing the minimum size for individual of specified species,
   - establishing open and close fishing seasons and areas,
   - regulating the amount of total catch and fishing effort and their allocation among Members,

   (ii) for the implementation of these recommendations;

c) to keep under review the economic and social aspects of the fishing industry and recommend any measures aimed at its development;

d) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries;

e) to encourage, recommend, coordinate and, as appropriate, undertake research and development activities, including cooperative projects in the areas of fisheries and the protection of living marine resources;

f) to assemble, publish or disseminate information regarding exploitable living marine resources and fisheries based on these resources;

g) to promote programmes for marine and brackish water aquaculture and coastal fisheries enhancement.

~~g)~~ h) to carry out such other activities as may be necessary for the ~~Council~~ Commission to achieve its purpose as defined above.

2. In formulating and recommending measures under paragraph 1 b) above, the Council/Commission shall apply the precautionary approach to conservation and management decisions, and take into account also the best scientific evidence available and the need to promote the development and proper utilisation of the marine living resources.

ARTICLE IV

Region

The ~~Council~~ Commission shall carry out the functions and responsibilities set forth in Article III in the Region as referred to in the Preamble.

ARTICLE V

Recommendations on Management Measures

1. The recommendations referred to in Article III, paragraph 1 b), shall be adopted by a two-thirds majority of Members of the ~~Council~~ Commission present and voting. The text of such recommendations shall be communicated by the Chairman of the ~~Council~~ Commission to each Member.

2. Subject to the provisions of this Article, the Members of the ~~Council~~ Commission undertake to give effect to any recommendations made by the ~~Council~~ Commission under Article III, paragraph 1 b), from the date determined by the ~~Council~~ Commission, which shall not be before the period for objection provided for in this Article has elapsed.

3. Any Member of the ~~Council~~ Commission may within one hundred and twenty days from the date of notification of a recommendation object to it and in that event shall not be under obligation to give effect to that recommendation. In the event of an objection being made within the one hundred and twenty days period any other Member may similarly object at any time within a further period of sixty days. A Member may also at any time withdraw its objection and give effect to a recommendation.

4. If objections to a recommendation are made by more than one-third of the Members of the ~~Council~~ Commission, the other Members shall be relieved forthwith of any obligation to give effect to that recommendation; nevertheless any or all of them may agree among themselves to give effect to it.

5. The Chairman of the ~~Council~~ Commission shall notify each Member immediately upon receipt of each objection or withdrawal of objection.

ARTICLE VI

Reports

The ~~Council~~ Commission shall transmit, after each session, to the Director-General of the Organization, a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the ~~Council~~ Commission provided for in Article VII of the Agreement shall be transmitted to the Director-General of the Organization through the ~~Council~~ Commission.

ARTICLE VII

Committees, Working Parties and Specialists

1. The ~~Council~~ Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purposes of the ~~Council~~ Commission and working parties to study and recommend on specific technical problems.

2. The committees and working parties referred to in paragraph 1 above shall be convened by the Chairman of the ~~Council~~ Commission at such times and places as are determined by the Chairman in consultation with the Director-General of the Organization.

3. The ~~Council~~ Commission may suggest to the Organization the recruitment or appointment of specialists at the expense of the Organization, for the consideration of specific questions or problems.

4. The establishment of committees and working parties referred to in paragraph 1 above and the recruitment or appointment of specialists referred to in paragraph 3 above, shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General

of the Organization. Before taking any decision involving expenditures in connection with the establishment of committees and working parties and the recruitment or appointment of specialists, the ~~Council~~ Commission shall have before it a report from the Director-General of the Organization on the administrative and financial implications thereof.

ARTICLE VIII

Cooperation with International Organizations

The ~~Council~~ Commission shall cooperate closely with other international organizations in matters of mutual interest.

ARTICLE IX

Expenses

1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the ~~Council~~ Commission and the expenses of representatives sent to committees or working parties established in accordance with Article VII of this Agreement shall be determined and paid by the~~ir~~ respective ~~governments~~ Members.

2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the ~~Council~~ Commission, when performing duties on behalf of the ~~Council~~ Commission between ~~Council~~ Commission sessions, shall be determined and paid by the Organization within the limits of the relevant appropriations provided for in the budget of the Organization.

3. The expenses of research and development projects undertaken by individual Members of the ~~Council~~ Commission, whether independently or upon recommendation of the ~~Council~~ Commission, shall be determined and paid by the ~~governments~~ Members concerned.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative project shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.

5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the ~~Council~~/Commission, committees or working parties in their individual capacity shall be borne by the budget of the Organization.

6. The Council/Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a trust fund to be established by the Organization. The acceptance of such voluntary contributions

and the administration of the trust fund shall be in accordance with the Financial Regulations and Rules of the Organization.

ARTICLE X

Amendments

1. The General Fisheries ~~Council~~ Commission for the Mediterranean may amend this Agreement by a two-thirds majority of all the Members of ~~this~~the ~~Council~~ Commission. ~~any amendment becoming effective only after concurrence of the Council of the Organization unless the latter considers it desirable to refer the amendment to the Conference of the Organization for approval. An amendment shall become effective as from the date of the decision of the Council or Conference of the Organization, as appropriate.~~ Subject to paragraph 2 below, amendments shall come into force as from the date of their adoption by the Council/Commission.

2. ~~However any a~~Amendments involving new obligations for Members shall come into force after acceptance by two-thirds of the Members of the Council/Commission and with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the General Fisheries ~~Council~~ Commission for the Mediterranean, as well as the Secretary-General of the United Nations, of the receipt of acceptance and the entry into force of such amendments. The rights and obligations of any Member of the General Fisheries ~~Council~~ Commission for the Mediterranean that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

3. Amendments to this Agreement shall be reported to the Council of the Organization which shall have the power to disallow any amendment which it finds to be inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution of the Organization. If the Council of the Organization considers it desirable, it may refer the amendment to the Conference of the Organization which shall have the same power.

ARTICLE XI

Acceptance

1. This Agreement shall be open to acceptance by ~~Member Nations~~Members or Associate Members of the Organization.

2. The ~~Council~~ Commission may, by a two-thirds majority of its membership, admit to membership such other States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.

3. Participation in the activities of the ~~Council~~ Commission by Members of the ~~Council~~ Commission which are not Members or Associate Member of the Organization shall be contingent upon the assumption of such proportionate share in the expenses of the Secretariat as may be determined in the light of the relevant provisions of the Financial Regulations of the Organization.

4. Acceptance of this Agreement by any Member or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General.

5. Acceptance of this Agreement by non-members ~~nations~~ of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the ~~Council~~ Commission approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.

6. The Director-General of the Organization shall inform all Members of the ~~Council~~ Commission, all Members ~~Nations~~ of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

7. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the ~~Council~~ Commission. Members of the ~~Council~~ Commission not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval, the nation or regional economic integration organization making the reservation shall not become a party to this Agreement. The Director-General of the Organization shall notify forthwith all Members of the ~~Council~~ Commission of any reservations.

8. References in this Agreement to the United Nations Convention on the Law of the Sea, 1982, or to other international agreements do not prejudice the position of any State with respect to signature, ratification, or accession to the 1982 United Nations Convention or with respect to other agreements.

ARTICLE XII

Entry into force

This Agreement shall enter into force as from the date of receipt of the fifth instrument of acceptance.

ARTICLE XIII

Territorial Application

The Member of the ~~Council~~ Commission shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a

declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XIV below, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XIV

Withdrawal

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Members of the ~~Council~~ Commission and the Members of the Organization of such withdrawal. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

2. A Member of the ~~Council~~ Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the ~~Council~~ Commission it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the ~~Council~~ Commission is responsible, with the exception of Associate Members.

3. Any Member of the ~~Council~~ Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the ~~Council~~ Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

ARTICLE XV

Interpretation and Settlement of Disputes

1. Any dispute regarding the interpretation or application of this Agreement, if not settled by the ~~Council~~ Commission, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, or in the case of a Regional Economic Integration Organization that is a Member of the Commission it shall be submitted to arbitration unless the parties to the dispute agree to another method of settlement.

ARTICLE XVI

Termination

This Agreement shall be automatically terminated if and when, as the result of withdrawals, the number of Members of the ~~Council~~ Commission drops below five, unless the remaining Members unanimously decide otherwise.

ARTICLE XVII

Certification and Registration

The text of this Agreement was originally formulated at Rome on the 24th day of September one thousand nine hundred and forty-nine in the French language. Two copies in the English, French and Spanish languages of this Agreement ~~as amended on the 22nd day of May one thousand nine hundred and sixty three by the First Special Session and on the 1st day of July one thousand nine hundred and seventy six by the Thirteenth Session of the General Fisheries Council for the Mediterranean, shall after approval by the Council or Conference of the Organization, as appropriate, be certified by the Chairman of the Conference or Council of the Organization and by the Director-General of the Organization~~ and of any amendments to this Agreement shall be certified by the Chairman of the Commission and by the Director-General of the Organization. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member ~~Nation~~ of the Organization and to such non-member nations of the Organization that are or may become parties to this Agreement.

Annex B

The Agreement for the General Fisheries Council for the Mediterranean is further amended as follows:

In Article II, by deleting paragraph 12 which reads:

~~612. The Organization shall provide the Secretariat for the Council and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.~~

In Article VII, by amending paragraph 2 as follows:

2. The committees and working parties referred to in paragraph 1 above shall be convened by the Chairman of the Commission at such times and places as are determined by the Chairman in consultation with the Director-General of the Organization, as appropriate.

and by deleting Article VII, paragraph 3 as follows:

~~3. The Council may suggest to the Organization the recruitment or appointment of specialists at the expense of the Organization, for the consideration of specific questions or problems.~~

and further amending paragraph 4 of Article VII as follows:

4. The establishment of committees and working parties referred to in paragraph 1 above and the recruitment or appointment of specialists ~~referred to in paragraph 3 above,~~ shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the ~~Organization~~ Commission; ~~the determination of such availability shall be made by the Director-General of the Organization.~~ Before taking any decision involving expenditures in connection with the establishment of committees and working parties and the recruitment or appointment of specialists, the Commission shall have before it a report from the ~~Director-General of the Organization~~ /Secretary of the Commission on the administrative and financial implications thereof.

In Article IX, by amending paragraph 2 as follows:

2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid ~~by the Organization within the limits of the relevant appropriations provided for in~~ from the budget of the ~~Organization~~/Commission.

and paragraph 4 of Article IX as follows:

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. ~~Cooperative projects shall be submitted to the Council of the Organization~~

~~prior to implementation.~~ Contributions for cooperative project shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.

and paragraph 5 of Article IX as follows:

5. The expenses of experts invited, ~~with the concurrence of the Director-General~~, to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the ~~Organization~~/Commission.

By inserting a new Article VIII bis as follows:

Article VIII bis

Finances

1. Each Member of the Commission undertakes to contribute annually its share of the autonomous budget in accordance with a scale of contributions to be adopted by the Commission.

2. At each regular session, the Commission shall adopt its autonomous budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.

3. (a) The amount of the contribution of each Member of the Commission shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.

(b) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.

4. Any non-Member of the Organization that becomes a Member of the Commission shall be required to make such contribution towards the expenses incurred by the Organization with respect to the activities of the Commission as the Commission may determine.

5. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General.

6. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.

7. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of the Organization.

8. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.

By inserting a new Article IX bis as follows:

ARTICLE IX bis

Administration

1. The Secretary of the Commission (hereinafter referred to as the "Secretary") shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission.

2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.

3. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.

4. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its sub-commissions and its committees, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission.

APPENDIX E

RULES OF PROCEDURE OF THE GENERAL FISHERIES ~~COUNCIL~~ COMMISSION FOR THE MEDITERRANEAN

RULE I

For the purpose of these Rules, the following definitions apply:

Agreement:	The Agreement for the establishment of the General Fisheries ~~Council~~ Commission for the Mediterranean formulated at Rome (Italy), 24 September 1949 as amended in conformity with Article X thereof.
~~Council~~ Commission:	The General Fisheries ~~Council~~ Commission for the Mediterranean.
Chairman:	The Chairman of the ~~Council~~ Commission.
Vice-Chairman:	The Vice-Chairman of the ~~Council~~ Commission.
Delegate:	The representative of a Member as specified in Article II, paragraph 1, of the Agreement.
Delegation:	The delegate and his alternate, experts, and advisers.
Member:	Members and Associate Members of the Organization, and non-members of the Organization, as may be Members of the ~~Council~~ Commission.
Secretary:	The Secretary of the ~~Council~~ Commission.
Organization:	The Food and Agriculture Organization of the United Nations.
Conference:	The Conference of the Organization.
Observer Nation, Associate Member, or Organization:	A nation that is not a Member of the ~~Council~~ Commission or of the Organization, or an international organization invited to attend a session of the ~~Council~~ Commission, or a Member or Associate Member of the Organization attending a session of the ~~Council~~ Commission while not a Member of the ~~Council~~ Commission.
Observer:	The representative of an observer nation or organization.

RULE II

Sessions of the ~~Council~~ Commission

1. In pursuance of, and in accordance with, Article II, paragraph 413 of the Agreement, the ~~Council~~ Commission, in consultation with the Director-General, shall at each regular session ~~consider whether a session should be held within two years and shall~~ decide the time and place for the next session in accordance with the requirements of the ~~Council~~ Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session, ~~provided that, if the Council Commission at a regular session is unable to fix a time and place for the next session, it shall, in consultation with the Director-General, take a decision as to the calendar year in which the next session is to be held, and the Chairman, in consultation with the Director-General, is then authorized to fix the time and place of the session provided that the approval of a majority of the Members of the Council Commission has been secured.~~

2. The Chairman may convene a special session of the ~~Council~~ Commission at the request or with the approval of the majority of the Members. ~~The Executive Committee, in consultation with the Director-General, shall decide the time and place of such a session.~~

3. Invitations to a regular session of the ~~Council~~ Commission shall be issued by the Secretary on behalf of the Chairman not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for the opening of the session.

4. In order that a proposal to hold a session of the ~~Council~~ Commission or any of its organs, in a given country, may be considered, such country must have (a) ratified without reservation the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, or (b) given the assurance that all delegates, representatives, experts, observers, or other persons entitled to attend such session in accordance with he terms of the Agreement or these Rules, will enjoy the privileges and immunities necessary for the independent exercise of their function in connection with the session.

RULE III

Credentials

At each session the Secretary shall receive the credentials of delegations and observers. Such credentials shall conform to the standard form set by the Secretariat. Upon examination thereof the Secretariat shall report to the ~~Council~~ Commission for the necessary action.

RULE IV

Agenda

1. The agenda of each regular session shall include:

a) as appropriate, election of the Chairman and of two Vice-Chairmen as provided under Article II, paragraph ~~3~~/9 of the Agreement;

b) adoption of the agenda;

~~c) a report by the Executive Committee on its activities, including a report of the work performed on behalf of the Council Commission by the Secretariat;~~

c) a report by the Secretary on the financial affairs and activities of the ~~Council~~ Commission;

d) consideration of the proposed budget;

e) reports of committees;

f) consideration of the time and place of the next session;

g) proposals for amendments to the Agreement and the present Rules of Procedure;

h) applications for membership, in accordance with Article XI, paragraph 2 of the Agreement, from States which, while not Members of the Organization, are Members of the United Nations, any of its Specialized Agency or the International Atomic Energy Agency;

i) items referred to the General Fisheries ~~Council~~ Commission for the Mediterranean by the Conference, the Council or the Director-General of the Organization.

2. The agenda shall also include, upon approval by the ~~Council~~ Commission:

a) items approved at the previous session;

~~b) items proposed by the Executive Committee;~~

~~b~~c) items proposed by a Member.

3. The provisional agenda shall be sent by the Secretary to members and observer nations and organizations not less than sixty days before the date of the session, together with reports and documents available in connection therewith.

4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

RULE V

The Secretariat

1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General.

2. the duties of the Secretary shall include the receipt, collation, and circulation of documents, reports, and resolutions of the sessions of the ~~Council~~ Commission and its committees, the record of their proceedings, the certification of expenditures and financial commitments, and the performance of such other duties as the ~~Council~~ Commission ~~or Executive Committee~~ may direct.

3. Copies of all communications concerning the affairs of the ~~Council~~ Commission shall be sent to the Secretary for purposes of information and record.

RULE VI

Plenary Meetings of the ~~Council~~ Commission

Plenary meetings of the ~~Council~~ Commission shall be held in public unless otherwise decided by the ~~Council~~ Commission. When the ~~Council~~ Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VII

Election of Chairman and Vice-Chairmen

1. The ~~Council~~ Commission shall~~, during each regular session,~~ elect the Chairman and first and second Vice-chairman of the ~~Council~~ Commission, who shall assume office immediately following the regular session at which they were elected and who shall be elected for two regular sessions.

2. Nominees must be delegates or alternates present at the regular session at which they are to be elected. They shall be eligible for re-election for a further two regular sessions.

RULE VIII

Functions of the Chairman and Vice-Chairmen

1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules and, in particular, shall:

a) declare the opening and closing of each plenary meeting of the ~~Council~~ Commission;

b) direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;

c) rule on points of order;

d) subject to these Rules, have complete control over the proceedings of the session;

e) appoint such committees of the session as the ~~Council~~ Commission may direct.

2. In the absence of the Chairman, or at his request, his functions shall be exercised by the first Vice-Chairman or, in the absence of the latter, by the second Vice-Chairman.

3. The Chairman or Vice-Chairmen, when acting as Chairman shall not vote and another member of their delegations shall represent their governments.

4. The Secretary shall temporarily exercise the functions of the Chairman in the event the Chairman and Vice-Chairmen are unable to serve.

RULE IX

Voting Arrangements and Procedures

1. Except as provided in paragraph 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement or these Rules, or if a request for a vote by roll call is made by any delegation.

2. A vote by roll call shall be conducted by calling upon delegations in the French alphabetical order.

3. The record of any roll call vote shall show the votes cast by each delegate and any abstention.

4. Voting on matters relating to individuals, except the election of officers of the ~~Council~~ Commission and its committees, shall be by secret ballot.

5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to the two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

6. If the ~~Council~~ Commission is equally divided when a vote is taken on a question other than election, a second vote shall be taken at the next meeting of the current session. If the ~~Council~~ Commission is then again equally divided, the proposal shall be regarded as rejected.

7. Voting arrangements and other related matters not specifically provided for by the Agreement, or by these Rules, shall be governed "mutatis mutandis" by the provisions of the General Rules of the Organization.

RULE X

Committees

~~1. * The Executive Committee shall consist~~ An Executive Committee is established and shall be composed of the Chairman, two Vice Chairmen and not more than four Members selected by the Commission at the end of each regular session. In selecting the Members, the Commission shall take into account the need for the various sub-regions and fisheries interests to be represented in the Executive Committee.

~~2. The Chairman of the Council~~ Commission shall be the Chairman of the Executive ~~Committee; the Secretary of the Council~~ Commission shall be the Secretary of the Executive ~~Committee.~~

~~3. * The Executive Committee shall:~~

~~a) meet at least once between regular sessions of the Commission;~~

~~b) conduct the current business of the Council~~ Commission between sessions and ~~act as its executive organ between regular sessions of the Commission;~~

~~c) formulate draft resolutions to be submitted to the Council~~ Commission in ~~connection with items referred to in Rule IV, paragraph 2 b);~~

~~d) prepare estimates of expenses for the next financial period for presentation to the Council~~ Commission for submission to the Organization, in the light of the ~~provisions of Article IX, paragraph 2 of the Agreement;~~

~~e) coordinate the work of the committees and working parties;~~

~~f) function as an editorial and publication committee.~~

1. There shall be established a Committee on Aquaculture which shall be open to all members of the Commission and which shall:

(a) monitor development and trends of aquaculture practices in the region;

(b)monitor the interaction between aquaculture development and the environment;

(c) oversee and guide work of the four networks created as a result of the activities of MEDRAP II and in particular by monitoring the progress, evaluating the proposed programmes of the various networks, and directing the work of the SIPAM network through the FAO Secretariat;

(d) seek additional support to complement the contribution of the institutions, which support the established networks, namely, CIHEAM, MAP-PAP/RAC and FAO, and to enhance the work of the four networks;

(e) carry out other duties related to aquaculture promotion and development that may be referred to it by the Commission.

2. (a) There shall be established a Scientific Advisory Committee which shall provide scientific, social and economic information, data, or advice relating to the work of the Commission.

(b) The Committee shall be open to all members of the Commission. Each Member of the Commission may designate a member of the Committee, and a member may be accompanied by experts.

(c) The Committee may establish working groups to analyze data and to advise the Committee on the state of shared and straddling resources.

(d) The Committee shall provide independent advice on the technical and scientific bases for decisions concerning fisheries conservation and management, including biological, social and economic aspects, and in particular, it shall:

(1) assess information provided by members and relevant fisheries organisations or programmes on catches, fishing effort, and other data relevant to the conservation and management of fisheries;

(2) formulate advice to the Commission on the conservation and management of fisheries;

(3) identify cooperative research programmes and coordinate their implementation;

(4) undertake such other functions or responsibilities as may be conferred on it by the Commission.

(c) Members have an obligation to provide information on catches and other data relevant to the functions of the committee in such a way as to enable the Committee to fulfil its responsibilities under this paragraph.

~~2.~~ 4. The ~~Council~~ Commission may establish such other committees and working parties as it considers desirable.

~~3.~~ 5. The establishment of committees and working parties ~~referred to in paragraphs 1 and 2 above~~ under this Rule shall be subject to the provisions of Article VII, paragraph 4 of the Agreement.

~~4.~~ 6. The procedures of such committees and working parties shall be governed "mutatis mutandis" by the Rules of Procedure of the ~~Council~~ Commission.

RULE XI

Budget and finance

1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as amplified by the Administrative Manual and memoranda and the procedures based thereon, shall apply to the ~~Council~~ Commission.

2. A proposed budget of the ~~Council~~ Commission for the next succeeding financial period consisting of proposed expenses of the Secretariat, including publications and communications, the proposed travelling expenses of the Chairman and Vice-Chairmen, when engaged in the work of the ~~Council~~ Commission between its sessions, and the expense, if any, of the committees, shall after approval by the ~~Council~~ Commission be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.

3. When adopted by the Conference as part of the general budget of the Organization, the budget of the ~~Council~~ Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.

4. All cooperative projects shall be submitted to the Council or the Conference of the Organization prior to implementation.

RULE XII

Participation by Observers

1. Participation of international organizations in the work of the ~~Council~~ Commission and the relations between the ~~Council~~ Commission and such organizations shall be governed by the relevant provisions of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization. ~~All such relations shall be dealt with by the Director-General of the Organization.~~

2. Members and Associate Members of the Organization that are not members of the ~~Council~~ Commission may, upon their request, be represented by an observer at sessions of the ~~Council~~ Commission and its subsidiary bodies.

3. States that are not Members of the ~~Council~~ Commission, nor Members or Associate Members of the Organization, but are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval

of the Council of the Organization and of the General Fisheries ~~Council~~ Commission for the Mediterranean, attend sessions of the ~~latter~~ ~~Council~~ Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.

4. Unless the ~~Council~~ Commission expressly determines otherwise, observers may attend the plenary meetings of the ~~Council~~ Commission and participate in the discussions at any technical committee sessions which they may be invited to attend. In no case will they be entitled to vote.

RULE XIII

Cooperative Projects

In the furtherance of cooperative projects provided for in Article III e) of the Agreement, and of studies undertaken outside the region referred to in the Preamble of the Agreement, arrangements may be made with governments that are not members of the ~~Council~~ Commission. All such arrangements shall be made by the Director-General of the Organization.

RULE XIV

Records, Reports and Recommendations

1. Summary records shall be made of each plenary meeting of the ~~Council~~ Commission and each committee meeting, and shall be distributed as soon as possible to the participants.

2. A summary shall be prepared of the proceedings of each session of the ~~Council~~ Commission and shall be published together with such reports of committees, technical papers and other documents as the ~~Executive Committee~~ Commission may consider advisable.

3. At each session the ~~Council~~ Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested a statement of minority views.

4. Subject to the provisions of Article V of the Agreement, the conclusions and recommendations of the ~~Council~~ Commission shall be transmitted to the Director-General of the Organization at the close of each session, who shall circulate them to Members of the ~~Council~~ Commission, nations and international organizations that were represented at the session and make them available to other Members and Associate Members of the Organization for their information.

5. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for action.

6. Subject to the provisions of the preceding paragraph, the Chairman may request Members of the ~~Council~~ Commission to supply the ~~Council~~ Commission or the Director-General with information on action taken on the basis of recommendations made by the ~~Council~~ Commission.

RULE XV

Recommendations to Members

1. The ~~Council~~ Commission may take recommendations for action by Members on any matter pertaining to the functions described in Article III of the Agreement.

2. The Secretary shall receive on behalf of the ~~Council~~ Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communications for presentation at the next session.

RULE XVI

Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article X of the Agreement may be made by any Member in a communication addressed to the Secretary. The Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.

2. No action on a proposal for the amendment of the Agreement shall be taken by the ~~Council~~ Commission at any session unless it has been included in the provisional agenda of the session.

RULE XVII

Suspension and Amendment of Rules

1. Subject to the provisions of the Agreement any of the foregoing Rules, other than Rules IV, V, X, paragraphs 3 and 4, XI, XII, XIV, paragraph 4, and XVI, may be suspended on the motion of any delegation by a majority of the votes cast at any plenary meeting of the ~~Council~~ Commission, provided that announcement is made at a plenary meeting of the ~~Council~~ Commission and copies of the proposal for suspension have been distributed to the delegations not less than forty-eight hours before the meeting at which action is to be taken.

2. Amendments of, or addition to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the Members of the ~~Council~~ Commission, at any plenary meeting of the ~~Council~~ Commission, provided an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than twenty-four hours before the meeting at which action is to be taken.

~~3. The Executive Committee may propose amendments and additions to these Rules and such proposals may be considered at the next session of the Council Commission.~~

34. Any amendment to Rule XVI which may be adopted in accordance with the provisions of paragraph 2 of this Rule, shall not become effective until the next session of the ~~Council~~ Commission.

RULE XVIII

Official Languages

1. The official languages of the ~~Council~~ Commission shall be such languages of the Organization as the ~~Council~~ Commission itself may decide. The delegations may use any one of these languages at sessions and for their reports and communications. A delegation using a non-official language shall provide for interpretation into one of the official languages.

2. During the meetings, interpretation in one or more of the official languages will be provided by the Secretariat when requested by one of the delegates present.

3. Publications of reports and communications shall be in the language in which they are submitted and, when required by the ~~Council~~ Commission ~~or the Executive Committee~~, abstracts in translation may be published.

APPENDIX F

Declaration by Arab Member States of GFCM

We, the delegations of the Arab States attending the Twenty-second Session of the General Fisheries Council for the Mediterranean convened in Rome during the period 13 to 16 October 1997, and comprising the following countries: Morocco, Algeria, Tunisia, Libyan Jamahiriya, Egypt and Syria.

Considering that the first diplomatic session on the management of living resources in the Mediterranean, held in 1994 in Crete, Greece, had addressed indirectly the question of marine zones in the Mediterranean, and proposed the following three options:

- establishment of exclusive economic zones;
- establishment of fishing zones;
- designation of the Mediterranean as a common heritage.

Considering that the above mentioned question has become, with the entering into force of the UN Convention on the Law of the Sea, a crucial question.

Considering that it was revealed clearly during the Second Diplomatic Meeting held in Venice, Italy, on 27 and 29 November 1996, and during consequent meetings, that this crucial question was ignored and was not accorded due consideration and discussion and that less important matters such as the reconstruction of the General Fisheries Council and granting its autonomy, were given the highest priority.

And, considering that it is in the interest of all states to have sovereign rights over their living resources through the establishment of exclusive economic zones in accordance with the above mentioned Convention,

Consider it imperative, in the light of these considerations, to urgently take steps to formulate a unified position towards this crucial question, by:

1) establishing a Standing Inter-Arab Committee to follow-up future actions in whatever form;

2) determining, speedily, practical measures to raise again the question of establishing EEZs in the Mediterranean; and

3) evaluating the results of the Twenty-second Session of the Council and other occasions, and assessing their impact on the interests on the above-mentioned States.

APPENDIX G

Resolutions adopted by GFCM at its Twenty-second Session

RESOLUTION 97/1

The General Fisheries Council for the Mediterranean, meeting in Rome, Italy, from 13 to 16 October 1997,

CONSIDERING that on 22 December 1989, the General Assembly of the United Nations adopted by consensus Resolution 44/225 on large-scale pelagic driftnet fishing and its impact on the living marine resources of the world's oceans and seas;

CONSIDERING that uncontrolled expansion and growth of driftnetting may entail serious disadvantages in terms of increased fishing effort and increased by-catches of species other than the target species, and that it was therefore desirable to regulate fishing with driftnets;

Accordingly ADOPTS, under Article V of the GFCM Agreement, the following recommendation:

1. No vessel flying the flag of a Contracting Party of GFCM may keep on board, or use for fishing, one or more driftnets whose individual or total length is more than 2.5 kilometres;

2. Throughout the fishing referred to in paragraph 1, the net must, if it is longer than one kilometre, remain attached to the vessel. However, within the 12 mile coastal band, a vessel may detach itself from the net, provided it keeps it under constant observation.

RESOLUTION 97/2

Resolution on activities of non-Contracting Parties

RECALLING the recommendations adopted by GFCM which are binding upon its members,

TAKING INTO ACCOUNT the need to promote a wide application of GFCM management and conservation measures in the Mediterranean as the only possible way to ensure its effectiveness,

RECALLING Articles 7.1.4, 7.1.5, and 7.7.5 of the Code of Conduct for Responsible Fisheries, concerning the activities of non-members of regional fisheries organizations,

The General Fisheries Council for the Mediterranean, acting under Article III, paragraph a) of the GFCM Agreement,

CALLS UPON States which are not members of GFCM, but whose vessels engage in fishing activities in the region, to become members of GFCM or otherwise cooperate in the implementation of the recommendations adopted by the Council.

CALL UPON members of GFCM to report to the Council on any fishing activities by vessels flying the flag of non-members which undermine the effectiveness of GFCM recommendations, as well as on the activities of flagless vessels.

RESOLUTION 97/3

RECALLING the obligations set out in Resolution 95/1 to the effect of limiting the activity of large long-liners, establishing a minimum landing size and reducing the catch of bluefin tuna by the end of 1998,

CONSIDERING the necessity to take measures regarding the gears used at times when their impact is most notable on juveniles and spawners,

The General Fisheries Council for the Mediterranean, acting under Article V of the GFCM Agreement,

RECOMMENDS:

FIRST: The prohibition of the bluefin tuna purse seine fishery during the period 1 to 31 August; and

SECOND: The prohibition of the use of airplanes and helicopters in support of such fishing operations in the month of June.

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The twenty-second session of the General Fisheries Council for the Mediterranean (GFCM) was attended by delegates from 21 of the 22 members of the council. The main issue discussed during the meeting was the strengthening of GFCM through the amendment of its Agreement and Rules of Procedure. The delegates agreed on the principle of an autonomous budget; however, discussion about modalities and amounts of member countries' contributions to such a budget were postponed to the next session, scheduled for June 1998. By the adoption of the new agreement the council's name will be changed, with "Commission" replacing "Council"; the Committee on Fisheries Management will be replaced by a scientific advisory committee; and the periodicity of the main session of GFCM will be every year instead of every two years. The twenty-second session adopted three resolutions concerning the use of large-scale driftnets (97/1); fishing operations by vessels flying flags of non-GFCM member countries (97/2); and the management of bluefin tuna fisheries in the Mediterranean (97/3).

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